

**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR A) ORDER NO. 1787
LAND DIVISION (PRELIMINARY) LD2004-0046 ORDER APPROVING REQUEST
SUBDIVISION) APPROVAL TO CREATE 46) WITH CONDITION.
SINGLE FAMILY RESIDENTIAL LOTS, OPEN)
SPACE TRACTS AND PRIVATE STREETS,)
(COVINGTON PARK PUD), LAND TECH, INC.,)
APPLICANT.)

This matter came before the Planning Commission on March 9, 2005, on a request for Land division approval for a 46-Lot single family lots, open space tracts, and private streets. The proposed site is located at 9525 and 9565 SW 155th Avenue, and is more specifically described as Tax Lot 100 and 200 on Washington County Assessor's Map 1S1-29CD.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. The Commission adopts the following supplemental findings in support of the final action, in response to key issues raised at the hearing, as identified herein.

The City received written testimony from Keith Jorgenson and Terrie Brookshire, dated March 5, 2005 outlining four (4) concerns about traffic congestion and safety with respect to the condition of SW 155th Avenue in relation to the vehicular and pedestrian access to the development. The Commission deliberated the matters raised, and received input from Transportation Planning staff. The Commission concluded that the Memorandum dated March 9, 2005 by Don Gustafson, (attached to this order) satisfactorily addressed the concerns raised.

Ms. Kim Stillwell spoke briefly in support of the proposal. There were no questions by the Commission.

The City received a letter dated March 9, 2005 from Jeff Roberts of Dolphin Development LLC (developer), requesting three (3) changes to the recommended conditions of approval, two (2) of which pertained to the Land Division (LD 2004-0024): (#1) a request that public utility easements be approved at 5 feet instead of 6 feet, and (#3) that Condition A.4 be amended to make it clear that the release of the performance bond would occur after the completion of Lots 1 through 45 and related improvements in the development. The Commission, after receiving a recommendation agreeing to changes #1 and #3 (above), adopted language in conditions of approval.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 2, 2005, and the supplemental findings contained herein, as applicable to the approval

criteria contained in Section 40.03 and Section 40.45.15.3.C of the Development Code.

Commissioner Maks **MOVED** and Commissioner DeHarpport **SECONDED** a motion to **APPROVE** LD2004-0046 Covington Park PUD, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated March 2, 2005, and including the additional evidence provided by staff, applicant, and the public with the modifications to the Conditions of Approval, as follows:

A. Prior to issuance of the site development permit, the applicant shall:

1. Submit a revised landscaping plan which depicts grass to be located in areas of Tracts B and G that does not illustrate landscape materials or features.
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
4. Have the ownership of the subject property guarantee all proportionate public improvements, storm water management (quality and quantity)

- facilities, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. Said guarantee shall be released upon completion of all site improvements required of Lots 1 through 45. (Site Development Div./JJD)
5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
 6. Have obtained the City Building Official's approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)
 7. Provide water plans that show a proposed eight inch water line connection from the existing public water line in SW Peridot Way on the site to the north through Tracts "E" and "L" to the proposed water line in Tract "A". Existing public utility easements dedicated by the plat of Avalon Park exist on the site to the north to provide for this connection without additional easement acquisition. (Site Development Div./JJD)
 8. Provide plans that require the contractor to coordinate the pavement restoration of 155th Avenue improvements and street cuts for utility installations with the City Operation and Maintenance Department Overlay Program for 2005 (contact: Pete Davis 503.350.4084) OR should the project be delayed until after completion of the planned overlay, submit plans that conform to the standards for street-cut moratorium streets per City Engineering Design Manual and Standard Drawings, Section 210.19. (Site Development Div./JJD)
 9. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)
 10. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections. (Site Development Div./JJD)

11. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. (Site Development Div./JJD)
12. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer to provide storm water treatment and detention per CWS and City Standards. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also identify the minimum finished floor elevations needed for the home building pads and other provisions needed for gravity service to the sanitary sewer and for the roof downspouts for drainage to the storm sewer system. In particular, Lots 22-31, and Lot 46 will have minimum finish floor information provided to assure gravity sewer service. (Site Development Div./JJD)
13. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for any common areas or private streets. (Site Development Div./JJD)
14. Provide plans showing a stormfilter vault (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per impervious acre. Plans shall also show a trash capture water quality pre-treatment manhole (CDS manhole or City of Beaverton approved equivalent as determined by City Engineer) located in front any stormfilter vaults. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around the stormwater vaults. (Site Development Div./JJD)
15. Submit a design for the retaining walls adjacent to public streets and surrounding, adjacent, and supporting the storm water detention and quality facility designed by a civil engineer or structural engineer. These retaining walls shall be a gravity type design without need for soil reinforcement or tie-backs into the slope as determined by the City Engineer. If designed as poured-in-place concrete it shall be reinforced, 4000 PSI, portland cement concrete with face texturing, or a City Engineer approved equivalent. (Site Development Div./JJD)
16. The plans shall show access for a maintenance vehicle within 6-feet from the front, or within 15-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. (Site Development Div./JJD)

17. Provide plans for street lights (Option C for public installations unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. (Site Development Div./JJD)
18. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)
19. Provide street right of way dedication to the Beaverton Collector Street Standards, 31 feet from centerline, on the west side of SW 155th Avenue for the frontage of the development (Development Code 60.55.10). (DRG / Transportation)
20. In lieu of actual construction of improvements on SW 155th Avenue, submit written waivers of remonstrance to the formation of a local improvement district for the purpose of providing the needed off-site improvements. (DRG / Transportation)
21. Provide evidence that new street and driveway intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New driveway intersections shall meet sight distance criteria in the City's Engineering Design Manual for the design speed of the roadway. (DRG / Transportation)
22. Superimpose vehicle turning radius templates on the site plan at typical driveway locations to show that adequate maneuvering area is provided for vehicles to get into and out of garages from the street and access driveways. (DRG / Transportation)
23. Show that the pavement width of the proposed private street is a minimum of 28 feet in areas where on street parking is proposed. (DRG / Transportation)

B. Prior to approval of the final plat, the applicant shall:

24. The final plat shall include the location, ownership and maintenance obligation of all open space tracts of the development. (Development Service / TTR)
25. Subdivision final plat submittal is required. In accordance with Section 50.90 of the Development Code, submittal of a complete final plat application shall be made within 24 months after preliminary plat

- approval, unless a time extension is approved. (Development Service / TTR)
26. Areas proposed for common open space, tree preservation, or water quantity or quality shall be labeled as a Tract (such as Tract A, B, and C) on the final plat. The plat shall include a notation stating the purpose of all tracts and assign a maintenance responsibility. (Development Service / TTR)
 27. The Developer shall sign a Subdivision Agreement to provide assurance that all the conditions of approval shall be met. (Development Service / TTR)
 28. The final plat shall be fully dimensioned and indicate the square footage of all lots and tracts. Plat notes shall state the ownership and maintenance responsibilities of all tracts. The location of access restriction strips, as approved by the City, may be described as a plat note or shown on the plat, as determined by the County Surveyor. (Development Service / TTR)
 29. The Developer shall provide written assurance to the Planning Director that each and every lot is buildable without additional variances, under City Ordinances effective as of the date of preliminary plat application submittal. (Development Service / TTR)
 30. The applicant shall pay all City liens, taxes, and assessments, or re-apportion it to individual lots. Any liens, taxes or assessments levied by Washington County shall be paid to the County according to their procedures. (Development Service / TTR)
 31. Street names shown on the site development plans shall be identical with those on the Final Plat, and street name signs shall not be installed prior to final plat approval. Street names shall comply with the City's Community Street Naming Plan. (Development Service / TTR)
 32. Prior to final plat approval the developer shall submit a scaled, reduced paper copy of the plat, at a size of 8½ x 11 inches. (Development Service / TTR)
 33. Pursuant to Development Code Section 60.15.15.3.G.1 the applicant shall provide a street tree fee of \$200.00 per tree based on a standard of one tree for every 30 lineal feet of street frontage. (Development Service / TTR)

34. Preliminary Subdivision Plat approval is subject to the Conditional Use (CU) approval for a Planned Unit Development and Tree Plan (TP). Final Subdivision Plat approval shall not be finalized unless the City ultimately approves the associated applications for the CU and TP applications or variations of the applications which are consistent with the approved Preliminary Subdivision Plat. (Development Service / TTR)
35. Submit a complete site development permit application and obtain the issuance of site development permit from the Development Services Division. (Development Service / TTR)
36. Remove all existing wells, tanks, and septic drain fields from the site if proposed by the applicant or required by the City Engineer to be abandoned, during the site work in a manner approved by the governing authority. (Development Service / TTR)
37. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (streets graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)
38. Record a non-access reservation with Washington County for the SW 155th Ave frontage, except for any City Engineer approved driveway access, to prevent direct vehicle access to that roadway. (DRG / Transportation)
39. Provide a temporary access easement for the street connection from SW 155th Ave, approximately 175 feet north of Breccia Drive, to the internal private street, as shown on sheet 4 of 9 of the site plan dated January 18, 2005. The easement will expire at such time the permanent street connection is made to the north, opposite the public street intersection to the east. (DRG / Transportation)

C. Prior to building permit issuance, the applicant shall:

40. Provide evidence satisfactory to the Planning Director that conditions herein, set forth and amended thereto have been completed. (Development Service / TTR)
41. The applicant shall submit a Mylar copy (minimum 4-mil in thickness) of the recorded plat to the City of Beaverton's Building Division. (Development Service / TTR)

42. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
43. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional. (Site Development Div./JJD)
44. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at permit issuance. (Site Development Div./JJD)
45. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
46. Pay a storm water system development charge (overall system conveyance) for each new home proposed. (Site Development Div./JJD)
47. Illustrate on the building permit site plan that all minimum required setbacks are met. This includes a minimum 18.5-foot driveway measured from the garage door to the back of sidewalk or maximum of 5-feet from garage to back of sidewalk or private street right-of-way. (Development Service / TTR)
48. Provide adequate evidence that the site will meet Tualatin Valley Fire and Rescue (TVFR) requirements for appropriate access to serve the site or provide alternate building plans to support TVFR fire protection requirements for the development. The project proposes to meet TVFR standards by installing Fire Sprinkler protection system for the dwellings. (Development Service / TTR)

D. Prior to final inspection of any building permit, the applicant shall:

49. Install “No Parking” signs and painted curb as required by TVF&R on the private street and driveway accesses. (DRG / Transportation)
50. Install a Private Street Name sign, identifying the street as a private street, on the proposed private street at its intersection with SW 155th Ave, as approved by the City Transportation Engineer. (DRG / Transportation)

51. Install or replace, to City specifications, all internal sidewalks which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)
52. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
53. Install all landscaping required and approved by the Commission unless security equal to 110 percent of the cost of the landscaping is filed with the City assuring such installation within six months of occupancy, or unless the applicant chooses to request occupancy for not more than 75 percent of the total number of units in the project. All landscaping must be completed before the remaining 25 percent of the units receive occupancy permits. (Development Services / TTR)

E. Prior to release of performance security, the applicant shall:

54. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
55. Submit any required on-site easements, not already dedicated on the subdivision plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
56. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by Stormwater Management, Inc., for the StormFilter vault's cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with Stormwater Management, Inc., for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacture's recommendations for a two year period from the date of performance acceptance of each respective system. (Site Development Div./JJD)

Motion **CARRIED**, by the following vote:

AYES: Maks, DeHarpport, Winter, and Johansen.
NAYS: None.
ABSTAIN: None.
ABSENT: Barnard, Bliss, and Pogue.

IT IS HEREBY ORDERED that **LD2004-0046** is **APPROVED**, based on the testimony, reports and exhibits, and amended subdivision plan presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report and supplemental memorandum as identified herein.

Dated this _____ day of _____, 2005.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No.1787 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2005.

ATTEST:

PLANNING COMMISSION
FOR BEAVERTON, OREGON
APPROVED:

JOHN OSTERBERG
Senior Planner

ERIC H. JOHANSEN
Chairman

STEVEN A. SPARKS, AICP
Development Services Manager